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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/673,264	12/14/2000	Howard Thomas	CE30148P	3811

7590 02/12/2004

Jonathan P Meyer  
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EXAMINER

SMITH, SHEILA B

ART UNIT	PAPER NUMBER
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2681

8

DATE MAILED: 02/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/673,264

Applicant(s)

THOMAS ET AL.

Examiner

Sheila B. Smith

Art Unit

2681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on 01 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Pike (GB 2306855).

*Regarding claims 1,2 and 13*, Pike discloses essentially all the claimed invention as set forth in the instant application, further Pike discloses a cellular radio communication system. In addition Pike discloses a mobile communication network (1) comprising a group of cells (2,3) each cell of the group of cells being operable to simulcast an identical common simulcast broadcast carrier (which reads on area wide communication channel) carrying signaling information common for the group of cells on a broadcast carrier frequency common for the group of cells, at least a first cell (2) being associated with a first traffic carrier (which reads on cell wide communication channel) not common for the group of cells, wherein at least a first mobile station (18) is arranged to intermittently perform an intracell handover to the common simulcast broadcast carrier (which reads on page 2 lines 14-19), and means situated in a fixed part (which reads on base station 17) of the network for performing measurements of the radio environment when the mobile station (18) is using the common simulcast broadcast carrier (as exhibited in figure 1 and which reads on page 2 lines 22-27).

***Regarding claims 3 and 4***, Pike discloses everything claimed as applied above (see claim 1), in addition Pike discloses a clock means is arranged to generate a signal instructing said intracell handover (which reads on page 2 lines 14-19).

***Regarding claim 5***, Pike discloses everything claimed as applied above (see claim 1), in addition, Pike discloses signal instructing said intracell handover is arranged to be generated in response to a measurement of received signal level or quality of a radio. (which reads on page 6 lines 33-35 and page 7 lines 1-4)

***Regarding claims 6 and 7***, Pike discloses everything claimed as applied above (see claim 1), in addition, Pike discloses one or more base stations are arranged to measure a received signal level and or quality of the signal transmitted by the mobile station on the common simulcast carrier (which reads on page 6 lines 33-35 and page 7 lines 1-4).

***Regarding claim 8***, Pike discloses everything claimed as applied above (see claim 1), in addition Pike discloses base stations in different cells are arranged to measure transmitted signal level and/or signal quality from a plurality of mobile stations in such new uplink channels and the network is arranged to process the measurements to determine the distribution of mobile stations within the network (which reads on page 6 lines 33-35 and page 7 lines 1-4).

***Regarding claim 9***, Pike discloses everything claimed as applied above (see claim 1), in addition Pike discloses base stations of a cell from which the intracell handover is made is arranged to be retuned to receive on a frequency different from the first traffic channel while traffic is being handled by the common simulcast carrier (which reads on page 5 lines 20-27).

**Regarding claim 10**, Pike in view of Durque-Anton et al. discloses everything claimed as applied above (see claim 1), in addition Pike discloses a base station (106, 122, 138, 102, 114) of a cell from which the intracell handover is made is arranged to be retuned to receive on a frequency different from the first traffic channel while traffic is being handled by the common simulcast carrier (which reads on page 6 lines 33-35 and page 7 lines 1-4).

Regarding **claim 11**, Pike discloses everything claimed as applied above (see claim 1), in addition, Pike discloses a GSM network (which reads on page 6 lines 5-7).

**Regarding claim 12**, Pike discloses essentially all the claimed invention as set fourth in the instant application, further Pike discloses a cellular radio communication system. In addition Pike discloses a base station operating in a communication system (1) comprising a group of cells (2,3) each cell of the group of cells being operable to simulcast an identical common simulcast broadcast carrier (which reads on area wide communication channel) carrying signaling information common for the group of cells on a broadcast carrier frequency common for the group of cells, at least a first cell (2) being associated with a first traffic carrier (which reads on cell wide communication channel) not common for the group of cells, wherein at least a first mobile station (18) is arranged to intermittently perform an intracell handover to the common simulcast broadcast carrier (which reads on page 2 lines 14-19), and means situated in a fixed part (which reads on base station 17) of the network for performing measurements of the radio environment when the mobile station (18) is using the common simulcast broadcast carrier (as exhibited in figure 1 and which reads on page 2 lines 22-27).

*Conclusion*

2. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheila B. Smith whose telephone number is (703)305-0104. The examiner can normally be reached on Monday-Thursday 6:00 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on 703-305-4040. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2681

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

S. Smith  
February 2, 2004

  
ERIKA GARY  
PATENT EXAMINER